



## Legislation Details (With Text)

**File #:** 2109-2015      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 8/12/2015      **In control:** Public Utilities Committee

**On agenda:** 9/28/2015      **Final action:** 9/30/2015

**Title:** To authorize the Director of Finance and Management to enter into a contract with FYDA Freightliner Columbus, Inc. for the purchase of a Single Axle Truck Mounted Hydro Excavator with Dedicated CNG for the Division of Water; and to authorize the expenditure of \$355,497.00 from the Water Operating Fund, and to waive competitive bidding provisions of City Code Chapter 329. (\$355,497.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2109-2015 Recommendation, 2. ORD2109-2015 bid tabulation, 3. ORD2109-2015 Fleet Approval, 4. ORD2109-2015 Fleet Expansion Approval, 5. ORD2109-2015 Information, 6. ORD2109-2015 Waiver Form

Date	Ver.	Action By	Action	Result
9/30/2015	1	CITY CLERK	Attest	
9/29/2015	1	MAYOR	Signed	
9/28/2015	1	COUNCIL PRESIDENT	Signed	
9/28/2015	1	Columbus City Council	Approved	Pass
9/21/2015	1	Columbus City Council	Read for the First Time	

**BACKGROUND:** This legislation authorizes the Director of Finance and Management to enter into a contract with FYDA Freightliner Columbus, Inc. for the purchase of a Single Axle Truck Mounted Hydro Excavator with Dedicated CNG for the Division of Water. This equipment will be used by the Water Distribution Maintenance Section when job site conditions do not favor the traditional use of a backhoe loader.

The Purchasing Office advertised and solicited competitive sealed bids in accordance with the relevant provisions of Section 329 (Solicitation SA005913). Seventy (70) vendors (66 MAJ/4 MBR) were solicited and two (2) bids (2 MAJ) were received and opened on July 9, 2015. FYDA Freightliner Columbus, Inc. submitted a bid in the total amount of \$355,497.00 and ESEC Corp dba Columbus Peterbilt submitted a primary bid in the total amount of \$377,082.00 and an optional bid in the total amount of \$397,362.00. The Purchasing Office noted during their review that the low bidder, FYDA Freightliner Columbus, Inc. failed to include with their bid submittal the required addenda. As part of the review process FYDA Freightliner Columbus, Inc. was contacted by the Purchasing Office and received confirmation that the addenda omission was inadvertent and that they are in full compliance with the technical specifications. The Purchasing Office determined that the omission of the addenda by FYDA Freightliner Columbus, Inc. was a material omission and the bid submittal was determined to be non-responsive. The Division of Water completed a subsequent review of the bids submitted by FYDA Freightliner Columbus, Inc. and ESEC Corp dba Columbus Peterbilt. FYDA Freightliner Columbus, Inc. was found to be in compliance of the technical specifications. However, taking into account the non-responsiveness of FYDA Freightliner Columbus, Inc., the primary and optional bids submitted by ESEC Corp dba Columbus Peterbilt's bid were also reviewed. The bids submitted from ESEC Corp dba Columbus Peterbilt's were found to be non-responsive due to exceptions related to the hydro excavator body (details concerning the exceptions are contained in the Division's recommendation letter on file with the Purchasing Office).

After careful consideration of the City's procurement code, and in consultation with the Purchasing Office, the Department of Public Utilities, Division of Water finds that FYDA Freightliner Columbus, Inc.'s material omission did not provide them with a competitive advantage. The Department of Public Utilities, Division of Water therefore finds it is in the best interest of the rate payers to reject both bids, waive the competitive bidding provisions of the Columbus City Code, Section 329, and to ask the Purchasing Office to enter in contract negotiations with FYDA Freightliner Columbus, Inc., the lowest bidder and only bidder found to be in compliance with the technical specifications. The Department of Public Utilities, Division of Water recommends FYDA Freightliner Columbus, Inc. be awarded this contract for a total amount of \$355,497.00. FYDA Freightliner Columbus, Inc. does not have MBE/FBE status.

In support of the Mayor's Get Green initiative these Single Axle Truck Mounted Hydro Excavator with CNG uses compressed natural gas (CNG) as an alternative fuel. CNG is a fossil fuel substitute for gasoline (petrol), diesel fuel or propane/LPG. Although its combustion does produce greenhouse gases, it is a more environmentally clean alternative to those fuels, and it is much safer than other fuels in the event of a spill. This purchase has been approved by the City of Columbus, Fleet Management Division.

The company is not debarred according to the Excluded Party Listing System of the Federal Government or prohibited from being awarded a contract according to the Auditor of State Unresolved Findings for Recovery Certified Search.

**SUPPLIER:** FYDA Freightliner Columbus, Inc., Contract Compliance #31-0789102, expires 7/15/16.

**FISCAL IMPACT:** \$355,497.00 is needed and budgeted for this purchase. The Division of Water has not purchased a similar vehicle in the last two years.

To authorize the Director of Finance and Management to enter into a contract with FYDA Freightliner Columbus, Inc. for the purchase of a Single Axle Truck Mounted Hydro Excavator with Dedicated CNG for the Division of Water; and to authorize the expenditure of \$355,497.00 from the Water Operating Fund, and to waive competitive bidding provisions of City Code Chapter 329. (\$355,497.00)

**WHEREAS**, the Purchasing Office advertised and solicited competitive sealed bids on July 9, 2015 and two bids were received; and

**WHEREAS**, the Department of Public Utilities, Division of Water, therefore finds it is in the best interest of our rate payers to reject both bids, waive the competitive provisions of the procurement code, and to ask the Purchasing Office to enter in contract negotiations with FYDA Freightliner Columbus, Inc., the lowest bidder and only bidder found to be in compliance with the technical specifications, and

**WHEREAS**, the Department of Public Utilities, Division of Water recommends FYDA Freightliner Columbus, Inc. be awarded this contract for a total amount of \$355,497.00; and

**WHEREAS**, it has become necessary in the usual daily operation of the Department of Public Utilities to authorize the Director of the Department of Finance and Management, Purchasing Office, to enter into a contract with FYDA Freightliner Columbus, Inc., thereby preserving the public health, peace, property, safety, and welfare, now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That the Director of Finance and Management be and is hereby authorized to enter into a contract with FYDA Freightliner Columbus, Inc., 1250 Walcutt Road, Columbus, OH 43228 for the purchase of a Single Axle Truck Mounted Hydro Excavator with Dedicated CNG for the Division of Water, in accordance with specifications on file in the

Purchasing Office.

**SECTION 2.** That the funds necessary to carry out the purpose of this ordinance are hereby deemed appropriated, and the City Auditor shall establish such accounting codes as necessary.

**SECTION 3.** That the expenditure of \$355,497.00, or so much thereof as may be needed, be and the same hereby is authorized from the Water Operating Fund, Fund No. 600, OCA 602730, Object Level 1: 06, Object Level 3: 6652.

**SECTION 4.** That it is in the City's best interest to waive the competitive bidding provisions of Columbus City Codes Chapter 329.

**SECTION 5.** That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.